

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

ERIC KOENIG and
DEBRA BERENZ,

Defendants.

INDICTMENT

Case No.

09 CR 107 C

18 U.S.C. § 371

18 U.S.C. § 2113(a) and (d)

18 U.S.C. § 924(c)

18 U.S.C. § 922(g)(1)

18 U.S.C. § 2

THE GRAND JURY CHARGES:

COUNT 1

Conspiracy

1. From in or about the winter of 2008-2009, the exact dates being unknown to the Grand Jury, to on or about July 15, 2009, in the Western District of Wisconsin, the defendants,

ERIC KOENIG and
DEBRA BERENZ,

knowingly conspired with each other to take money, by force, violence, and intimidation, from the person and presence of others, that is approximately \$4,290 belonging to U.S. Bank located at 5700 Old Mill Plaza, Eau Claire, Wisconsin, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Sections 2113(a) and (d).

Manner and Means

The manner and means by which the conspiracy was sought to be accomplished included, among other things, the following:

2. It was part of the conspiracy that the defendants planned to rob by force the U.S. Bank located at 5700 Old Mill Plaza, Eau Claire, Wisconsin.

3. It was further part of the conspiracy that in the winter of 2008-2009, defendant KOENIG made multiple trips to the bank to conduct surveillance. On between four to six occasions, KOENIG brought in small denomination bills and requested that they be exchanged for larger denominations. The tellers used a second teller drawer to access the larger denomination bills requested by KOENIG.

4. It was further part of the conspiracy that for at least two weeks prior to the robbery, defendants KOENIG and BERENZ lived together at BERENZ's uncle's home located N4053 990th Street, Eau Claire, Wisconsin. While living at this location, BERENZ used her uncle's 1992 black Cadillac DeVille, license plate number 956-LDR, for transportation.

5. It was further part of the conspiracy that on July 15, 2009, BERENZ drove KOENIG to the U.S. Bank location in the 1992 black Cadillac DeVille. The defendants first entered the north parking lot of 24/7 Telcom (a business located directly to the west of the bank) and circled the parking lot. BERENZ then exited the parking lot and parked the car to the north and west of the bank, near the intersection of Chuck Lane and North Town Hall Road. KOENIG exited the vehicle while BERENZ stayed in the

car.

6. It was further part of the conspiracy that at approximately 2:45 p.m. on July 15, 2009, KOENIG entered the U.S. Bank and robbed it, wearing dark-colored sunglasses and a light-colored hooded sweatshirt with the hood up. KOENIG pointed a .22 caliber silver-colored pistol at the two tellers and demanded money. KOENIG repeatedly told the tellers that he wanted only the large bills from the "second drawer," and provided the tellers an empty bag for the money.

7. It was further part of the conspiracy that KOENIG exited the bank on foot and ran across the 24/7 Telcom parking lot to N. Town Hall Road where he got into the front passenger seat of the 1992 black Cadillac DeVille driven by BERENZ. The defendants then fled the scene at a high rate of speed going westbound on Chuck Lane.

Overt Acts

8. In furtherance of the conspiracy and to accomplish its objectives, the following overt acts were committed in the Western District of Wisconsin:

a. On or about July 15, 2009, BERENZ drove KOENIG in a 1992 black Cadillac DeVille with license plate number 956-LDR, and dropped him off near the intersection of Chuck Lane and North Town Hall Road in Eau Claire, Wisconsin.

b. On or about July 15, 2009, at approximately 2:45 p.m., KOENIG robbed the U.S. Bank located at 5700 Old Mill Plaza, Eau Claire, Wisconsin, brandishing a .22 caliber silver-colored semi-automatic pistol.

c. On or about July 15, 2009, BERENZ waited for KOENIG while he

robbed the bank, exited it on foot, and ran back to the 1992 black Cadillac DeVille, where the two defendants then fled the scene at a high rate of speed.

(All in violation of Title 18, United States Code, Section 371).

COUNT 2

On or about July 15, 2009, in the Western District of Wisconsin, the defendants,

ERIC KOENIG and
DEBRA BERENZ,

by force, violence, and intimidation, took money, and aided and abetted the taking of money, from the person and presence of others, that is approximately \$4,290 belonging to and in the care, custody, control, management, and possession of U.S. Bank, located at 5700 Old Mill Plaza, Eau Claire, Wisconsin, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and in committing this offense, also put in jeopardy the life of another person by the use of a dangerous weapon.

(In violation of Title 18, United States Code Sections 2113(a) & (d), and Title 18, United States Code, Section 2).

COUNT 3

On or about July 15, 2009, in the Western District of Wisconsin, the defendants,

ERIC KOENIG and
DEBRA BERENZ,

knowingly and intentionally brandished a firearm, specifically: a loaded Bryco Arms, Model J22, .22 caliber silver-colored semi-automatic pistol, with serial number 300965, in furtherance of a crime of violence, that is, armed bank robbery as charged in Count 2 of this indictment, which is incorporated here by this reference.

(In violation of Title 18, United States Code, Section 924(c)).

COUNT 4

On or about July 15, 2009, in the Western District of Wisconsin, the defendant,

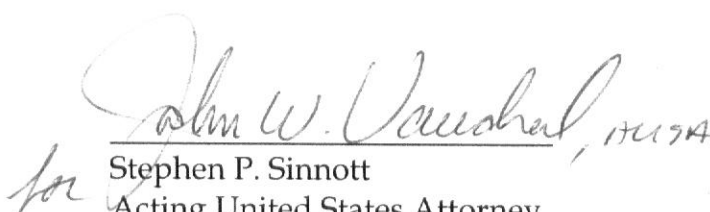
ERIC KOENIG,

having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, knowingly and unlawfully possessed in or affecting commerce firearms and ammunition, specifically: a loaded Bryco Arms, Model J22, .22 caliber semi-automatic pistol, with serial number 300965, and approximately thirty-four rounds of .22 caliber long rifle ammunition manufactured by Omark Industries, CCI Spear Operations, said firearms and ammunition having previously traveled in interstate commerce.

(In violation of Title 18, United States Code, Section 922(g)(1)).

A TRUE BILL


PRESIDING JUROR


for Stephen P. Sinnott
Acting United States Attorney

Indictment returned: 8-5-09